

# State of South Dakota

## EIGHTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2014

831V0315

### HOUSE BILL NO. 1095

Introduced by: Representatives Otten (Herman) and Heinert and Senators Kirkeby and Buhl  
O'Donnell

1 FOR AN ACT ENTITLED, An Act to revise and clarify certain provisions relating to municipal  
2 officers.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 9-14-6 be amended to read as follows:

5 9-14-6. ~~In first and second class municipalities, all appointive officers~~ Each appointive  
6 officer, before entering upon the discharge of ~~their duties~~ the duties of the office, shall take and  
7 subscribe an oath or affirmation of office, in the form required by the Constitution, ~~and~~. The  
8 officer shall furnish an undertaking to be approved by the governing body ~~in such sum as it shall~~  
9 ~~prescribe~~. The undertaking shall be in a sum prescribed by the governing body and shall be  
10 conditioned for the faithful performance of the duties of ~~their offices~~ the office and to account,  
11 pay over, and deliver all money or property coming into ~~their~~ the officer's hands by virtue of  
12 ~~their~~ that office according to law.

13 Section 2. That § 9-14-13 be amended to read as follows:

14 9-14-13. In an aldermanic-governed ~~first and second class~~ municipality, the mayor ~~shall~~  
15 ~~have power~~, except as otherwise provided to, may remove from office any officer appointed by



1 ~~him, whenever he shall be of the opinion~~ the mayor, if the mayor believes that the interests of  
2 the municipality demand such removal; ~~but he.~~ The mayor shall report the reasons for ~~his~~  
3 removal to the council at its next regular meeting.

4 Section 3. That § 9-14-17 be amended to read as follows:

5 9-14-17. The ~~appointed financial official~~ municipal finance officer shall keep an office at  
6 ~~such place as the governing body may direct,~~ a place directed by the governing body. The  
7 finance officer shall keep the corporate seal, all papers; and records of the municipality, and a  
8 record of the proceedings of the governing body, whose meetings ~~such official~~ the finance  
9 officer shall attend. ~~Such official~~ The finance officer shall draw and countersign all warrants on  
10 the treasury in pursuance of orders or resolutions of the governing body and keep a full and  
11 accurate account ~~thereof~~ of all such warrants in books provided for that purpose. ~~Such official~~  
12 The finance officer shall make or cause to be made estimates of the expenses of any work to be  
13 done by the municipality; and countersign all contracts made on its behalf and certificates of  
14 work authorized by any committee of the governing body or by any municipal officer. However,  
15 the ~~official~~ finance officer may destroy any record which the records destruction board, acting  
16 pursuant to § 1-27-19, declares to have no further administrative, legal, fiscal, research, or  
17 historical value.

18 Section 4. That § 9-14-18 be amended to read as follows:

19 9-14-18. The ~~appointed financial official~~ municipal finance officer shall keep regular books  
20 of account in which shall be entered all indebtedness of the municipality, and which shall at all  
21 times show the financial condition of the municipality, the amount of bonds, warrants,  
22 certificates, or other evidences of indebtedness issued by the governing body, and the amounts  
23 of all bonds, warrants, certificates, or other evidences of indebtedness which have been  
24 redeemed and the amount of each outstanding.

1       The ~~official~~ finance officer shall countersign all bonds, warrants, or other evidences of  
2       indebtedness of the municipality and keep accurate accounts ~~thereof of each~~, stating to whom  
3       and for what purpose issued and the amount ~~thereof of the bond, warrant, or other evidence of~~  
4       indebtedness of the municipality. The ~~official~~ finance officer shall keep an account with all  
5       receiving and disbursing officers of the municipality, showing the amount received from the  
6       different sources of revenue and the amount which was disbursed under the direction of the  
7       governing body. However, the ~~official~~ finance officer may destroy any record which the records  
8       destruction board, acting pursuant to § 1-27-19, declares to have no further administrative, legal,  
9       fiscal, research, or historical value.

10       Section 5. That § 9-14-19 be amended to read as follows:

11       9-14-19. The ~~appointed financial official~~ municipal finance officer shall supervise the  
12       accounting system for all departments and offices of the municipality in accordance with the  
13       recommendations of the Department of Legislative Audit except that for those municipalities  
14       administered under the city manager form of government, the supervision ~~will be~~ is by the city  
15       manager.

16       Section 6. That § 9-14-20 be amended to read as follows:

17       9-14-20. The ~~appointed financial official~~ municipal finance officer shall keep a list of all  
18       certificates issued for work or any other purpose, ~~and before~~. Before the levy by the governing  
19       body of any special tax, the finance officer shall, unless that duty is performed by the engineer,  
20       report to the governing body a schedule of all lots ~~which may be~~ that are subject to the proposed  
21       special tax or assessment; and ~~also~~ the amount of ~~such~~ the special tax or assessment ~~which it~~  
22       ~~may be necessary to levy on such lots which~~. The schedule shall be verified by the ~~official's~~  
23       finance officer's affidavit.

24       Section 7. That § 9-14-21 be amended to read as follows:

1        9-14-21. The ~~appointed financial official~~ municipal finance officer shall examine all reports,  
2        books, papers, vouchers, and accounts of the treasurer; audit and adjust all claims and demands  
3        against the municipality before they are allowed by the governing body; and keep a record of  
4        the ~~official's~~ finance officer's acts and doings; The finance officer shall keep a book in which  
5        the ~~official~~ finance officer shall enter all contracts, ~~with an index thereto, which book.~~ The book  
6        shall include an index to the contracts and shall be open to the inspection of all parties  
7        interested; ~~and.~~ The finance officer shall perform such other duties as may be required by  
8        ordinance, resolution, or direction of the governing body. However, the ~~appointed financial~~  
9        ~~official~~ finance officer may destroy any record which the Records Destruction Board, acting  
10       pursuant to § 1-27-19, declares to have no further administrative, legal, fiscal, research, or  
11       historical value.